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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,825	09/29/2003	Kevin P. Wright	03AB139/ALBRP327US	2201

7590 05/31/2006  
Susan M. Donahue  
Rockwell Automation  
704-P, IP Department  
1201 South 2nd Street  
Milwaukee, WI 53204

EXAMINER
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KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/673,825	<b>Applicant(s)</b> WRIGHT ET AL.	
	<b>Examiner</b> Charles R. Kasenge	<b>Art Unit</b> 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32 is/are rejected.
- 7) ☐ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/30/04</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ehlers et al. U.S. Patent Application Publication 2004/0133314. Regarding claims 1, 9, 19, 24, 25 and 29, Ehlers discloses a decentralized energy control and management system, comprising: a plurality of loads associated with a system (pg. 5, ¶95 and Fig. 2E); and a plurality of networked load controllers associated with respective loads (pg. 9, ¶161-2), wherein the load controllers cooperate to determine which load should be shed when the total system demand exceeds an optimum limit (pg. 13, ¶202).

Regarding claims 2-8, 12, 20, 21, 23 and 32, Ehlers discloses the system of claim 1, wherein loads are shed based on a priority associated with each load (pg. 13, ¶202). Ehlers discloses the system of claim 2, wherein priority is based at least in part on load function and context (pg. 13, ¶202). Ehlers discloses the system of claim 1, wherein the load controllers communicate over a local area network (LAN) (pg. 3, ¶69). Ehlers discloses the system of claim 1 wherein the load controllers communicate wirelessly (pg. 3, ¶69). Ehlers discloses the system of claim 1, wherein the load controllers communicate over a wide area network (WAN) (pg. 4, ¶71). Ehlers discloses the system of claim 1, further comprising a meter to measure parameters

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associated with energy consumed by the system (pg. 3, ¶60). Ehlers discloses the system of claim 7, wherein the measurements are transferred to and stored by a host computer (Fig. 1B, 1.10D).

Regarding claims 10, 11, 13, 14, 22 and 26-28, Ehlers discloses the system of claim 9, further comprising a power supply (pg. 4, ¶78). Ehlers discloses the system of claim 9, wherein at least one of the plurality of machines is a variable speed motor such that load shedding with respect to the motor corresponds to reducing the power to the motor (pg. 11, ¶185). Ehlers discloses the system of claim 12, wherein the optimization algorithm includes parameters associated with at least one business concern (pg. 13, ¶204). Ehlers discloses the system of claim 13, wherein the optimization algorithm include's parameters associated with the health of the machine (pg. 11, ¶184).

Regarding claims 15-18 and 30, Ehlers discloses the system of claim 9, wherein the optimization algorithm employs intelligent agents to act as proxies for the actual machines when determining the optimum load for each machine (pg. 11, ¶184). Ehlers discloses the system of claim 9, wherein the optimization algorithm utilizes a belief network (pg. 13, ¶202). The system of claim 9, wherein at least a subset of the machines are located physically remote from one another (pg. 4, ¶71). Ehlers discloses the system of claim 9, wherein the load controllers also determine which previously shed loads to reconnect (pg. 13, ¶202).

*Allowable Subject Matter*

3. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

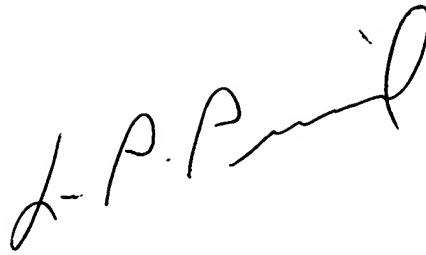
CK

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May 29, 2006

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A handwritten signature in black ink, appearing to read "L. P. Picard", written in a cursive style.

**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**